

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

v.

**ROBERT J. JESENIK,
ANDREW N. MacRITCHIE, and
BRIAN K. RICE,**

Defendants.

Case No. 3:20-cr-228-SI

**ORDER DENYING DEFENDANT
MacRITCHIE'S MOTION FOR
MISTRIAL AND TO STRIKE
TESTIMONY**

Natalie K. Wight, United States Attorney, and Ryan W. Bounds, Christopher L. Cardani, Siddharth Dadhich, and Hannah Horsley, Assistant United States Attorneys, UNITED STATES ATTORNEY'S OFFICE, 1000 SW Third Ave., Suite 600, Portland, OR 97204. Of Attorneys for United States of America.

Conor Huseby, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, 101 SW Main Street, Suite 1700, Portland, OR 97204; Scott L. Mullins, MULLINS LAW OFFICE LLC, 1000 SW Broadway St., Suite 2300, Portland, OR 97205; and Per C. Olson and Megan E. McVicar, HOEVET OLSON, PC, 1000 SW Broadway, Suite 1740, Portland, OR 97205. Of Attorneys for Defendant Robert J. Jesenik.

Michael Tremonte and Anna Maria Estevao, SHER TREMONTE LLP, 90 Broad St., 23rd Floor, New York, NY 10004; and Samuel C. Kauffman, KAUFFMAN KILBERG LLC, 1050 SW Sixth Ave., Suite 1414, Portland, OR 97204. Of Attorneys for Defendant Andrew N. MacRitchie.

Angelo J. Calfo, Damon C. Elder, and Henry Charles Phillips, MORGAN, LEWIS & BOCKIUS LLP, 1301 Second Ave., Suite 2800, Seattle, WA 98101; and Bakari E. Ziegler, MORGAN, LEWIS & BOCKIUS LLP, One Market, Spear Tower, San Francisco, CA 94105. Of Attorneys for Defendant Brian K. Rice.

Michael H. Simon, District Judge.

On April 19, 2023, Defendant Andrew MacRitchie moved for a mistrial and to strike certain testimony, invoking *Napue v. Illinois*, 360 U.S. 264 (1959). ECF 554. The government responded in writing. ECF 567. Mr. MacRitchie also replied in writing. ECF 568. The Court has closely reviewed Mr. MacRitchie's motion, the government's response, and Mr. MacRitchie's reply.

The Court DENIES Defendant MacRitchie's Motion for Mistrial and to Strike Testimony (ECF 554) for the reasons stated by the government in its response (ECF 567), which the Court adopts.

IT IS SO ORDERED.

DATED this 26th day of April, 2023.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge